



# Getting beyond yes: fast-tracking implementation of the United Nations agreement for marine biodiversity beyond national jurisdiction

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With a new international agreement on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ Agreement) on the horizon, now is the time to start laying the foundation for successful implementation. This paper provides some initial re

1. Bringing the Agreement into force, by securing sufficient ratifications;
2. Establishing core institutions, including financial mechanisms; and
3. Developing capacity, science, and technology.

## **B I G I G H E A G E E M E I F C E**

Preparatory work to encourage and support States to ratify the BBNJ Agreement should begin without delay so that it can enter into force in a timely manner. The ratification process is summarized in Box 1. Examples of supporting actions are highlighted in bold and are further discussed below, including awareness raising, inspiration from other international processes, and developing technical assistance resources.

### **A**

Such efforts can inform States of the benefits, opportunities, and responsibilities that may result from ratification of the Agreement. This can be coupled with provision of information and capacity-building whenever necessary. Outreach activities could include regional workshops, webinars, and high-level events. A range of supporting materials will also be necessary. These activities and materials will need to engage diverse stakeholders: the public, the scientific community, industry, parliaments and relevant government agencies, and intergovernmental bodies and processes.

### **I**

can create momentum by highlighting benefits and responsibilities arising from joining the Agreement and providing legal, scientific, and technical assistance, as well as public outreach. The UN Food and Agriculture Organization (FAO) conducted extensive outreach

activities in support of the Port State Measures Agreement (PSMA), convening 100 countries and other organizations through regional workshops that focused on presenting the benefits and basics of implementation and understanding the main gaps and constraints in each region<sup>15</sup>.

can play a vital role. For example, the Global Industry Alliance (GIA), a public-private partnership including businesses and investors, facilitated entry into force of the Ballast Water Management Convention<sup>16</sup>. The Alliance contributed to the GloBallast Partnerships Programme<sup>17</sup> to advance implementation, and invested in ballast water treatment technologies, training and industry capacities<sup>17-19</sup>. The Marrakech Partnership for Global Climate Action supports implementation of the Paris Agreement, enabling collaboration between governments and cities, regions, businesses and investors to act on climate change<sup>20</sup>.

can be valuable. CITES provides a model law<sup>21</sup> capturing the key obligations of the treaty, a legal checklist<sup>22</sup> and, in collaboration with FAO, has developed a more specific legal guide to implementing CITES provisions for marine species<sup>23</sup>. The World Bank provided a legislative guide for implementing the 1993 FAO Compliance Agreement and 1995 UN Fish Stocks Agreement<sup>24</sup>. The FAO also developed legislative templates for the PSMA<sup>25</sup>.

can accelerate ratification. With respect to the Nagoya Protocol on access and benefit sharing (ABS) of genetic resources, the Global Environment Facility (GEF) supported activities to ensure compliance with and support implementation of the Protocol<sup>26</sup> including: gap analyses of ABS provisions in existing policies, laws, and regulations; assessment of institutional capacity including research organizations; and the development and implementation of national strategies and



This could be done at the global level, as well as nationally and regionally as part of the needs assessment process. Similarly, States and other institutions can initiate efforts to identify potentially relevant technologies to inform the needs assessment processes.

## A fi -

Given the significant scope of work envisaged for the proposed ABS mechanism, an ABS working group could lay the foundation for rapid establishment once the BBNJ Agreement comes into force. An ABS working group could: prepare an initial roster of qualified expert candidates for the ABS mechanism and begin consultations relating to the CLHM. These consultations could identify best practices relating to the collection and sharing of MGR samples and data (including digital sequence information). Initial work could also be undertaken towards guidelines for benefit-sharing, in particular, how to provide transparency and ensure fair and equitable outcomes.

## DE EL I G CA ACI , CIE CE, A D ECH L G F EFFEC I E A D E I ABLE C E A I A D AI ABLE E I AB J

All States have a stake in the health of the interconnected global ocean<sup>41</sup>. For the BBNJ Agreement to be equitable, it needs to contribute to ensuring that all Parties have the capacity to contribute to and benefit from the conservation and sustainable use of BBNJ<sup>42</sup>. Enhanced capacities for marine science can inform responsible and climate-smart decision-making<sup>43</sup>, improve conservation and management outcomes, and identify common interests to galvanize political will. This section highlights some ways to prepare capacity for the implementation of all four package deal elements: Capacity needs assessments at national and regional levels; preparing for MPAs and other ABMTs; preparing for EIAs and SEAs; advancing capacity for using MGR-related tools for conservation; and partnerships amongst States and other stakeholders to implement the BBNJ treaty as a whole.

## C

Ensuring that all Parties have the capacity to participate in the conservation and sustainable use of BBNJ will require considerable investment in human, scientific, technological, organizational, and institutional capacity. Capacity-building can take the form of technical assistance, knowledge sharing, skill development, institution building, funding, and development of good practices.

Assessment of needs and priorities of developing States for capacity building and technology transfer can take place at the Given building anac0ty

(1) both ecologically important and representative areas, (2) areas at multiple scales, from transboundary to regional to global, and (3) how a network of high seas MPAs might effectively connect discrete important and representative sites<sup>46</sup>.

**EIA      EA**

- (i) **D** **fi** , **,** **:**  
Many States currently lack access to the legal framework, knowledge, and expertise needed to provide baseline information and to oversee EIAs of activities with the potential to affect marine biodiversity in ABNJ. Under national EIA laws, project proponents are often not required to share data, assess potential effects outside their proposed project site, or consider alternatives that include not undertaking the activity. Comprehensive assessment of potential cumulative effects also requires significant scientific capacity and technology. Collaborative marine environmental research and assessment projects, including SEAs, can be advanced at multiple scales (ocean basin to sub-regional)<sup>61</sup> in advance of the entry into force of the BBNJ Agreement to build domestic institutional, scientific, and technical capacities to conduct EIAs.
- (ii) **A** **EA** : SEA processes conducted at larger regional/ecosystem scales have the potential to be vital tools to inform more proactive governance of marine biodiversity in ABNJ

**Table 1.** *Handwritten text, likely a title or header for the table content.*

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monitor ocean change, BBNJ-relevant initiatives can fill critical gaps in capacity for integrated and coordinated ocean management to safeguard marine biodiversity across generations and for the benefit of all.

Further information on research design is available in the Nature Research Reporting Summary linked to this article.

**DATA AVAILABILITY**

No data was collected for this paper, and thus no permissions are required.

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